SENATE BILL No. 330

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2-110; IC 9-24-6-2; IC 9-25-5-0.1; IC 9-28-2-6; IC 9-30-3.

Synopsis: Financial responsibility for motor vehicles. Requires a driver of a motor vehicle to furnish proof of financial responsibility to a police officer when cited for a moving traffic offense. Provides that the second and subsequent failure to provide proof of financial responsibility to a police officer when cited for a moving traffic offense is a Class D infraction. Requires the bureau of motor vehicles to adopt rules providing for the notification of a driver's employer of a driver's failure to furnish proof of financial responsibility upon request to a police officer. Makes conforming amendments.

Effective: July 1, 2002.

Merritt

January 8, 2002, read first time and referred to Committee on Insurance and Financial Institutions.





Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 330

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 9-13-2-110 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 110. (a) "Moving
traffic offense", for purposes of IC 9-25-9-1 IC 9-30-2-9 and IC 9-30-3-
14, has the meaning set forth in IC 9-30-3-14(a).

(b) "Moving traffic offense", for purposes of IC 9-25-5-0.1, has the meaning set forth in IC 9-25-5-0.1(a).

SECTION 2. IC 9-24-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) The bureau shall adopt rules under IC 4-22-2 to regulate persons required to hold a commercial driver's license.

- (b) The rules must carry out 49 U.S.C. 521, 49 U.S.C. 2304 31104, 49 U.S.C. 2701 31301 through 2716 31306, 49 U.S.C. 31308 through 31317, and 49 CFR 383.
 - (c) Rules adopted under this section must include the following:
 - (1) Establishment of classes and periods of validation of commercial driver's licenses.
 - (2) Standards for commercial driver's licenses, including



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1	suspension and revocation procedures.
2	(3) Development of written or oral tests, driving tests, and fitness
3	requirements.
4	(4) Defining the commercial driver's licenses by classification and
5	the information to be contained on the licenses, including the
6	Social Security number and a unique identifier of the holder.
7	(5) Establishing fees for the issuance of commercial driver's
8	licenses, including fees for testing and examination.
9	(6) Procedures for the notification by the holder of a commercial
10	driver's license to the bureau and the driver's employer of
11	pointable traffic offense convictions.
12	(7) The conditions for reciprocity with other states.
13	(8) Procedures for the notification to the driver's employer of
14	the failure of the driver to furnish proof of financial
15	responsibility upon request of a police officer as provided in
16	IC 9-25-5-0.1.
17	(9) Other rules necessary to administer this chapter.
18	(d) 49 CFR 383 is adopted as Indiana law.
19	SECTION 3. IC 9-25-5-0.1 IS ADDED TO THE INDIANA CODE
20	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
21	1, 2002]: Sec. 0.1. (a) As used in this section, "moving traffic
22	offense" means a violation of a statute relating to the operation or
23	use of a motor vehicle while the motor vehicle is in motion.
24	(b) Upon request of a police officer issuing:
25	(1) an information and summons under IC 9-30-3-6(a); or
26	(2) a complaint and summons under IC 9-30-3-6(b);
27	for a moving traffic offense, the operator of the vehicle shall
28	provide proof of financial responsibility in effect with respect to the
29	vehicle as set forth in IC 9-25-4-7.
30	(c) The police officer shall note if the operator has provided
31	proof of financial responsibility on the:
32	(1) information and summons as set forth in IC 9-30-3-6(a);
33	or
34	(2) complaint and summons as set forth in IC 9-30-3-6(b).
35	(d) A person who:
36	(1) fails to furnish evidence of financial responsibility upon
37	request of the police officer issuing an information and
38	summons for a moving traffic offense; and
39	(2) according to the records of the bureau, has failed to
40	furnish evidence of financial responsibility upon request of the
41	police officer issuing an information and summons for a
42	moving traffic offense on at least one (1) previous occasion;



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(e) The b	oureau may adopt an	id enforce rul	es under	IC 4-22-2		
that are nec	essary to carry out t	his section.				
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[EFFECTIVE JULY 1, 2002]: Sec. 6. As used in this chapter,						
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2 3	The notice annuages also of either admission denial annual
<i>3</i>	The notice, appearance, plea of either admission, denial, or nolo contendere shall be printed on the summons. The trimmed size of the
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6	paper and stock on which the form is printed shall be nominally four
7	and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.
8	(c) The complaint form shall be used in traffic cases, whether the
9	charge is made by a law enforcement officer or by any other person. (d) Each judicial officer or police authority issuing traffic
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	complaints and summons:
11	(1) is responsible for the disposition of all the traffic complaints
12	and summons issued under the authority of the officer or
13	authority; and
14	(2) shall prepare and submit the records and reports relating to the
15	traffic complaints in the manner and at the time prescribed by
16	both the state examiner of the state board of accounts and the
17	bureau.
18	SECTION 6. IC 9-30-3-12, AS AMENDED BY P.L.225-1999,
19	SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20	JULY 1, 2002]: Sec. 12. (a) If during any twelve (12) month period a
21	person has committed moving traffic violations for which the person
22	has:
23	(1) been convicted of at least two (2) traffic misdemeanors;
24	(2) had at least two (2) traffic judgments entered against the
25	person; or
26	(3) been convicted of at least one (1) traffic misdemeanor and has
27	had at least one (1) traffic judgment entered against the person;
28	the bureau may require the person to attend and satisfactorily complete
29	a defensive driving school program. The person shall pay all applicable
30	fees required by the bureau.
31	(b) This subsection applies to an individual who holds a
32	probationary license under IC 9-24-11-3 or is less than eighteen (18)
33	years of age. An individual is required to attend and satisfactorily
34	complete a defensive driving school program if either of the following
35	occurs at least twice or if both of the following have occurred:
36	(1) The individual has been convicted of a moving traffic offense
37	(as defined in section 14(a) of this chapter), other than an offense
38	that:
39	(A) solely involves motor vehicle equipment; or
40	(B) solely involves the failure to provide proof of financial
41	responsibility as required by IC 9-25-5-0.1.
42	(2) The individual has been the operator of a motor vehicle



involved in an accident for which a report is required to be filed under IC 9-26-2.	
The individual shall pay all applicable fees required by the bureau.	
(c) The bureau may suspend the driving license of any person who:(1) fails to attend a defensive driving school program; or	
(2) fails to satisfactorily complete a defensive driving school	
program; as required by this section.	
(d) Notwithstanding IC 33-19-5-2, any court may suspend one-half	
(1/2) of each applicable court cost for which a person is liable due to a traffic violation if the person enrolls in and completes a defensive	
driving school or a similar school conducted by an agency of the state	
or local government.	

